

Senate Amendment 5413

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1 1 Amend Senate File 2312 as follows:
1 2 #1. By striking page 4, line 27 through page 6,
1 3 line 9.
1 4 #2. Page 7, by inserting after line 1, the
1 5 following:
1 6 Sec. ____. NEW SECTION. 85.73 SUCCESSIVE INJURY
1 7 COMPENSATION FUND.
1 8 This division shall be known and referred to as the
1 9 "Successive Injury Compensation Fund".
1 10 Sec. ____. NEW SECTION. 85.74 PAYOUT OUT OF FUND.
1 11 If an employee, who has previously sustained an
1 12 injury arising out of and in the course of employment
1 13 which results in permanent partial disability for
1 14 which the employee has received compensation pursuant
1 15 to the terms of section 85.34, subsection 2, and
1 16 subsequently sustains an injury which is compensable
1 17 under the terms of section 85.34, subsection 2,
1 18 paragraph "u", the employer shall be liable only for
1 19 the degree of industrial disability which would have
1 20 resulted from the present injury if there had been no
1 21 preexisting disability. In addition to such
1 22 compensation, and after the expiration of the full
1 23 period provided by law for the payments thereof by the
1 24 employer, the employee shall be paid out of the
1 25 successive injury compensation fund created by this
1 26 division the remainder of such compensation to which
1 27 the employee is entitled for the combined effect of
1 28 permanent partial disabilities caused by the
1 29 employee's injuries.
1 30 Sec. ____. NEW SECTION. 85.75 ESTABLISHMENT OF
1 31 FUND == CUSTODIAN.
1 32 The successive injury compensation fund is hereby
1 33 established under the custody of the treasurer of
1 34 state and shall consist of an annual appropriation
1 35 from the general fund of the state and any accumulated
1 36 interest and earnings on moneys in the successive
1 37 injury compensation fund. The treasurer of state is
1 38 charged with conservation of the assets of the
1 39 successive injury compensation fund. Moneys in the
1 40 successive injury compensation fund shall be disbursed
1 41 only for the purposes stated in this division, and
1 42 shall not at any time be appropriated or diverted to
1 43 any other use or purpose. The treasurer of state
1 44 shall invest any surplus moneys of the fund in
1 45 securities which constitute legal investments for
1 46 state funds under the laws of this state, and may sell
1 47 any of the securities in which the fund is invested,
1 48 if necessary, for the proper administration or the
1 49 best interests of the fund. Disbursements from the
1 50 fund shall be paid by the treasurer of state only upon
2 1 the written order of the workers' compensation
2 2 commissioner. The treasurer of state shall quarterly
2 3 prepare a statement of the fund, setting forth the
2 4 balance of moneys in the fund, the income of the fund,
2 5 specifying the source of all income, specifying
2 6 payments out of the fund, specifying various items of
2 7 payment, and setting forth the balance remaining to
2 8 the credit of the fund. The statement shall be open
2 9 to public inspection in the office of the treasurer of
2 10 state.
2 11 Sec. ____. NEW SECTION. 85.76 REPRESENTATION OF
2 12 FUND == COUNSEL == PAYMENT OF AWARD.
2 13 The attorney general shall appoint a staff member
2 14 to represent the treasurer of state and the fund in
2 15 all proceedings and matters arising under this
2 16 division. In making an award under this division, the
2 17 workers' compensation commissioner shall specifically
2 18 find the amount the injured employee shall be paid
2 19 weekly, the number of weeks of compensation which
2 20 shall be paid by the employer, the date upon which
2 21 payments out of the fund shall begin, and, if
2 22 possible, the length of time the payments shall
2 23 continue.
2 24 Sec. ____. NEW SECTION. 85.77 FEDERAL

2 25 CONTRIBUTIONS.

2 26 The treasurer of state is hereby authorized to
2 27 receive and credit to the successive injury
2 28 compensation fund any sum or sums that may at any time
2 29 be contributed to the state by the United States or
2 30 any agency thereof, under any Act of Congress or
2 31 otherwise, to which the state may be or become
2 32 entitled by reason of any payments made out of the
2 33 fund to any person with a previous disability.>

2 34 #3. Page 7, lines 29 and 30, by striking the
2 35 figures and word <85.27, 85.34, 85.36, and 85.70> and
2 36 inserting the following: <85.27 and 85.70, enacting
2 37 sections 85.73 through 85.77>.

2 38 #4. By striking page 8, line 5, through page 9,
2 39 line 23.

2 40 #5. By renumbering as necessary.

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2 44 WILLIAM A. DOTZLER

2 45 SF 2312.201 80

2 46 av/sh